

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. No: 10/564,902
Applicants: William Patrick Hems et al.
Filed: June 15, 2006
Title: CATALYSTS
T.C./A.U.: 1626
Examiner: Joseph R. Kosack
Confirmation No.: 3231
Docket No.: JMYS-140US

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

This is in response to the Restriction Requirement stated in the Office Letter dated August 27, 2008.

The Examiner requires that claims of either Group I (claims 1 and 3-18, drawn to catalysts comprising ruthenium, a chiral bis(phosphine) and a compound of Formula I) or Group II (claims 19 and 20, drawn to methods of use of catalysts comprising ruthenium, a chiral bis(phosphine) and a compound of Formula I) be elected for prosecution. Applicants elect to prosecute the claims of Group I (claims 1 and 3-18). This election is made with traverse, because claims 19-20 require use of the inventive catalyst that is described in claim 1.

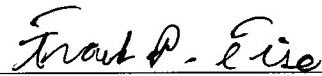
With respect to the election of species, applicants elect the species of the catalyst of Example 2, i.e. Ru[Cl₂{(R/S)-Xyl-P-Phos}-(R,R)/(S,S)-DPPN]. This election is also made with traverse. Applicants respectfully disagree with the assertion, made in the Restriction Requirement, that the species are drawn from a genus that does not have a common static core structure. All of the catalysts of the invention include a chiral diamine of formula (I) as shown on page 1 of the specification. All of these diamines are 1,3- or 1,4-diamines, and as noted on page 1 at lines 25-33, this special technical feature distinguishes them from prior art catalysts using 1,2-diamines.

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Amendment Dated October 21, 2008
Reply to Office Action of August 27, 2008

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Claims 1, 3, 5, and 14-16 read on Group I and the catalyst of Example 2.

Respectfully submitted,



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CRL/FPT/gdb

Dated: October 21, 2008

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.